

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 58, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 8-3-1-1.5 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2005]: **Sec. 1.5. (a) This section does not apply to the extent**
- 6 **that it violates or is preempted by federal law.**
- 7 **(b) The department may inspect railroads and the conditions**
- 8 **existing on all trains operating within Indiana, including areas that**
- 9 **are:**
- 10 **(1) along rail rights-of-way;**
- 11 **(2) in rail yards;**
- 12 **(3) in terminals; and**
- 13 **(4) at rail loading and unloading facilities connected to**
- 14 **property owned or operated by a railroad, except for those**
- 15 **areas of loading and unloading facilities that do not require**
- 16 **access for service by Class I railroads as classified under 49**
- 17 **CRF 1201 Subpart A, General Instructions 1-1.**
- 18 **The inspection shall be conducted to assure the safety, health, and**
- 19 **comfort of railroad customers, the general public, and railroad**
- 20 **employees and to abate and remove dangerous or unhealthy**
- 21 **conditions found to exist in those locations.**
- 22 **(c) The department shall order:**
- 23 **(1) the abatement and removal of a dangerous condition or**
- 24 **an unhealthy condition; or**
- 25 **(2) improvements to be made to remedy the dangerous or**
- 26 **unhealthy condition;**

1 by the railroad if the condition is shown to be dangerous to the
 2 safety or health of railroad customers, the general public, or
 3 railroad employees.

4 (d) A railroad operating in Indiana that willfully violates this
 5 section is liable to the department for the following penalties:

6 (1) For the first violation, a penalty of at least one hundred
 7 dollars (\$100) and not more than five hundred dollars (\$500).

8 (2) For a second violation that occurs not later than three (3)
 9 years after the first violation, a penalty of at least five
 10 hundred dollars (\$500) and not more than one thousand
 11 dollars (\$1,000).

12 (3) For a third violation that occurs not later than three (3)
 13 years after the first violation, a penalty of at least one
 14 thousand dollars (\$1,000) and not more than five thousand
 15 dollars (\$5,000).

16 (4) For a fourth or subsequent violation that occurs not later
 17 than three (3) years after the first violation, a penalty of at
 18 least five thousand dollars (\$5,000) and not more than ten
 19 thousand dollars (\$10,000).

20 This section shall be enforced by the attorney general in a county
 21 through which the railroad operates.

22 (e) The department may adopt rules under IC 4-22-2 to carry
 23 out this chapter.

(Reference is to 58 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON

Chairperson